

**REMARKS**

The Applicants respectfully request reconsideration and allowance of claims 24-34 and 3 in view of the following arguments.

## INTERVIEW SUMMARY

The Applicants appreciate the telephone interview conducted March 8, 2005, between Examiner Jones and Applicants' representative. Claims 24 and 82 were discussed in detail. Applicants agreed to submit this written response to clarify some of the differences between Applicants' claims and the cited references.

## **CLAIM STATUS**

Claims 24-34 and 71-103 are pending.

Claims 36-46 have been canceled because they include identical language to pending claims 24-34 except for the additional word “first” regarding the winning progressive jackpot.

Claims 47-57 have been rewritten as newly added pending claims 93-103 which correspond to the previously allowed but now canceled claims 47-57.

Claims 59-69 have been canceled because they were duplicate claims that recited identical language to that of pending claims 71-81.

Claims 82-92 remain unamended except for an antecedent basis error noticed preparing this response.

1 Pending claims 24-34 and 71-81 recite paying either a first or a second progressive  
2 jackpot based on a wager amount, while independent claims 82 and 93 recite paying the largest  
3 of either the first or the second progressive jackpot when the result is a winning jackpot.

4

5 **CLAIM REJECTIONS**

6 In an effort to avoid confusion, regardless of the canceled and newly added claims, the  
7 claim rejections are recited with claim numbering as it appears in the original Office Action. The  
8 Examiner rejected claims 24-34, 36-46, 48-57, 59-69, and 71-92 under 35 U.S.C. § 102(b) as  
9 being anticipated by Wood (U.S. patent No. 5,286,023) and Keesee (U.S. patent No. 5,282,620).  
10 The Examiner also rejected claims 24-34, 36-46, 48-57, 59-69, and 71-92 under 35 U.S.C. §  
11 102(e) as being anticipated by Jones (U.S. patent No. 6,402,150) and Grippo et al. (U.S. patent  
12 No. 6,017,032, hereinafter referred to as "Grippo"). The Applicants respectfully submit that the  
13 claims are not anticipated by any of these references.

14

15 **Wood and Keesee**

16 Wood and Keesee disclose a video lottery game that includes both a first and a second  
17 progressive jackpot prize. "The first progressive jackpot prize amount is substantially greater  
18 than the second progressive jackpot prize amount" (Wood, col. 4, lines 31-56) and "a player  
19 winning one of said first or second progressive jackpot prize amounts does not affect the amount  
20 of the other of said first or second progressive jackpot prize amounts" (Wood, col. 4, lines 28-30).  
21 The choice of progressive prize jackpot for payout is randomly determined (see Wood, col. 6,  
22 lines 30-37).

1       Jones

2           Jones discloses a casino card game having a jackpot component as an additional feature  
3       of the card game. A progressive jackpot is included that is awarded according to a hand of cards  
4       in the card game (see Jones, col. 6, lines 20-40).

5

6       Grippo

7           Grippo discloses a lottery game that allows bettors to select the amount of the desired  
8       wager to enter the lottery game. "Each of the wager denominational levels corresponds to a  
9       separate wager or jackpot pool" (Grippo, col. 5, lines 63-67). Thus, the bettor selects the bettor  
10      pool they will enter prior to placing a bet in the lottery game. The jackpot pool is a progressive  
11      jackpot pool which increases in value with the bets of the bettor pool for the jackpot pool until a  
12      winning ticket is found for the specific bettor pool and the progressive jackpot pool is awarded.

13

14       Applicants' claims are NOT anticipated by the cited references

15           Regarding independent claim 24, previously depending on canceled independent claim  
16      23, Wood and Keesee each fail to teach, disclose or otherwise suggest paying progressive  
17      jackpots according to a wager amount for a winning progressive jackpot result. Further, Wood  
18      and Keesee each fail to show or suggest increasing a second progressive jackpot more than a first  
19      progressive jackpot in response to receiving a wager. Likewise, Jones and Grippo each fail to  
20      show or suggest increasing a second progressive jackpot more than a first progressive jackpot in  
21      response to receiving a wager.

1       Regarding dependent claim 25, for at least the reason as this claim adds limitations to an  
2       otherwise allowable independent claim 24, the rejection to claim 25 should be withdrawn and  
3       Applicants respectfully solicit a Notice of Allowance for claim 25.

4       Regarding independent claim 26, Wood and Keesee each fail to teach, disclose or  
5       otherwise suggest paying progressive jackpots according to a wager amount for a winning  
6       progressive jackpot result. Further, Wood and Keesee each fail to show or suggest paying  
7       multiple progressive jackpots if the wager is at least a predetermined amount. Likewise, Jones  
8       and Grippo each fail to show or suggest paying multiple progressive jackpots if the wager is at  
9       least a predetermined amount.

10       Regarding independent claim 27, Wood and Keesee each fail to teach, disclose or  
11       otherwise suggest paying progressive jackpots according to a wager amount for a winning  
12       progressive jackpot result. Further, Wood and Keesee each fail to show or suggest resetting the  
13       first progressive jackpot to a first predetermined reset amount after paying the first progressive  
14       jackpot, and resetting the second progressive jackpot to a second predetermined reset amount  
15       after paying the second progressive jackpot. Likewise, Jones and Grippo each fail to show or  
16       suggest resetting the first progressive jackpot to a first predetermined reset amount after paying  
17       the first progressive jackpot, and resetting the second progressive jackpot to a second  
18       predetermined reset amount after paying the second progressive jackpot.

19       Regarding dependent claim 28, for at least the reason as this claim adds limitations to an  
20       otherwise allowable independent claim 27, the rejection to claim 28 should be withdrawn and  
21       Applicants respectfully solicit a Notice of Allowance for claim 28.

1       Regarding independent claim 29, Wood and Keesee each fail to teach, disclose or  
2 otherwise suggest paying progressive jackpots according to a wager amount for a winning  
3 progressive jackpot result. Further, Wood and Keesee each fail to show or suggest the gaming  
4 system comprising a single gaming machine. Likewise, Jones and Grippo each fail to show or  
5 suggest the gaming system comprising a single gaming machine.

6       Regarding independent claim 30, Wood and Keesee each fail to teach, disclose or  
7 otherwise suggest paying progressive jackpots according to a wager amount for a winning  
8 progressive jackpot result. Further, Wood and Keesee each fail to show or suggest the  
9 progressive jackpots being common to all linked gaming machines of a gaming system and  
10 increasing the progressive jackpots in response to a wager received by a linked gaming machine.  
11 Likewise, Jones and Grippo each fail to show or suggest the progressive jackpots being common  
12 to all linked gaming machines of a gaming system and increasing the progressive jackpots in  
13 response to a wager received by a linked gaming machine.

14       Regarding independent claim 31, Wood and Keesee each fail to teach, disclose or  
15 otherwise suggest paying progressive jackpots according to a wager amount for a winning  
16 progressive jackpot result. Further, Wood and Keesee each fail to show or suggest the wager  
17 activating a single play line for a gaming machine receiving the wager. Likewise, Jones and  
18 Grippo each fail to show or suggest the wager activating a single play line for a gaming machine  
19 receiving the wager.

20       Regarding independent claim 32, Wood and Keesee each fail to teach, disclose or  
21 otherwise suggest paying progressive jackpots according to a wager amount for a winning  
22 progressive jackpot result. Further, Wood and Keesee each fail to show or suggest the wager

1 activating a plurality of play lines for a gaming machine receiving the wager. Likewise, Jones  
2 and Grippo each fail to show or suggest the wager activating a plurality of play lines for a gaming  
3 machine receiving the wager.

4 Regarding independent claim 33, Wood and Keesee each fail to teach, disclose or  
5 otherwise suggest paying progressive jackpots according to a wager amount for a winning  
6 progressive jackpot result. Further, Wood and Keesee each fail to show or suggest a number of  
7 play lines activated by a second wager amount being identical to a number of play lines activated  
8 by a first wager amount. Likewise, Jones and Grippo each fail to show or suggest a number of  
9 play lines activated by a second wager amount being identical to a number of play lines activated  
10 by a first wager amount.

11 Regarding independent claim 34, Wood and Keesee each fail to teach, disclose or  
12 otherwise suggest paying progressive jackpots according to a wager amount for a winning  
13 progressive jackpot result. Further, Wood and Keesee each fail to show or suggest a number of  
14 play lines activated by the second wager amount being larger than a number of play lines  
15 activated by the first wager amount. Likewise, Jones and Grippo each fail to show or suggest a  
16 number of play lines activated by the second wager amount being larger than a number of play  
17 lines activated by the first wager amount.

18 As claims 35 through 70 have been canceled, the rejections to these claims are moot and  
19 should be withdrawn.

20 Regarding claims 71 through 81, the above arguments regarding the method of claims 24  
21 through 34 apply to the system of claims 71 through 81 and the Applicants urge the Examiner to

1 withdraw the rejections to these claims for similar reasons as to the reasons for withdrawing the  
2 rejections to claims 24 through 34.

3 Regarding original independent claim 82, the cited references fail to teach or suggest a  
4 gaming system that specifically pays the largest of either a first progressive jackpot or a second  
5 progressive jackpot if a random gaming result is a winning progressive jackpot result. The cited  
6 references, on the other hand, teach randomly selecting one of the progressive jackpots for the  
7 amount to be paid for a winning jackpot result. For this reason, Applicants respectfully request  
8 the Examiner to withdraw the rejections to independent claim 82. Further, as dependent claims  
9 83 through 92 add limitations to an already allowable base claim, Applicants urge the Examiner  
10 to withdraw the rejections to these claims as well.

11 Regarding newly added claims 93 through 103, Applicants respectfully submit that these  
12 claims set out a method corresponding to the system of independent claim 82. These claims are  
13 identical to the previously allowed claims 47-57 of the parent application. Applicants  
14 respectfully solicit a Notice of Allowance regarding independent claim 93 and request that the  
15 further limiting dependent claims 94 through 103 be allowed as well.

1 CONCLUSION

2 For all of the above reasons, the Applicants respectfully request reconsideration and  
3 allowance of claims 24-34 and 71-103.

4 If any issue remains as to the allowability of these claims, or if a conference might  
5 expedite allowance of the claims, the Examiner is asked to telephone the undersigned attorney  
6 prior to issuing a further action in this case.

7

8 Respectfully submitted,

9 THE CULBERTSON GROUP, P.C.

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 703-872-9306) on March 11, 2005.

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